

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LUIS GOMEZ-ECHEVERRIA, ET AL.,
Plaintiffs,

Case No. 22-CV-314
Hon. Jane M. Beckering

v.

PURPOSE POINT HARVESTING LLC,
ET AL.,
Defendants.

Migrant Legal Aid Teresa Hendricks (P46500) Benjamin O’Hearn (P79252) Molly Spaak (84730) Attorneys for Plaintiffs 1140 Fuller Ave., Ne Grand Rapids MI 49503 616-454-5055	Avanti Law Group, PLLC Robert Anthony Alvarez (P66954) Attorney for Defendants 600 28th St. SW Wyoming, MI 49509 616-257-6807
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**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT OR,
IN THE ALTERNATIVE, TO STRIKE PLAINTIFFS’ CLASS ALLEGATIONS**

Pursuant to Federal Rules of Civil Procedure 12(b)(6), 12(f), and 23(d)(1)(D), Defendants Purpose Point Harvesting, LLC, Emilto Moreno Gomez, and Lucille Jean Moreno hereby move to dismiss Plaintiffs’ unverified Amended Complaint or, in the alternative, to strike Plaintiffs’ class allegations.

Plaintiffs brought this lawsuit against Defendants Purpose Point Harvesting, LLC, Emilto Moreno Gomez, and Lucille Jean Moreno, alleging that Defendants failed to pay them and other the state and federally mandated minimum wage as well as engaging in human trafficking, forced labor, and fraud against the Plaintiffs and other employees of Purpose Point as well as having breached the terms of an employment agreement. Plaintiffs bring these claims as a Rule 23 class

action and a 216b collective action seeking to represent their interests and that of a class and various subclasses of other current and former workers. However, Plaintiffs have presented an amended complaint that is deficient in the following manner:

1) Plaintiffs have failed to sufficiently allege plausible claims under Fed.R.Civ.P. 12(b)(6), meet the requirements in Fed.R.Civ.P. 9(b), or demonstrate the necessary elements of willfulness under the FLSA for extension of the statute of limitations under the FLSA; and

2) Plaintiffs have failed to demonstrate that a class certification would be proper in this case under a rigorous analysis of Fed.R.Civ.P. 23.

In support of their motion, Defendants incorporate the attached Brief in Support outlining and detailing the deficiencies with Plaintiffs' unverified Amended Complaint which warrant the requested relief.

Respectfully submitted,

/s/ Robert Anthony Alvarez
Avanti Law Group, PLLC
Robert Anthony Alvarez (P66954)
Attorney for Defendants